

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

**THE HON'BLE THE CHIEF JUSTICE MR.H.L.DATTU
&
THE HONOURABLE MR. JUSTICE K.T.SANKARAN**

WEDNESDAY, THE 23RD MAY 2007 / 2ND JYAISHTA 1929

WA.No. 587 of 2007()

AGAINST THE JUDGEMENT IN WP(C).6436/2007 Dated 27/02/2007

APPELLANT/ PETITIONER :

MULACKAL CONSTRUCTIONS,
REPRESENTED BY ITS MANAGING PARTNER,
SAYED MOHAMMED RAWTHER, AGED 64 YEARS, S/O.HAJEE
M.A.PAREED RAWTHER, MULACKAL HOUSE, SOUTH PETTAH,
MUVATTUPUZHA.

BY ADV. SRI.T.M.ABDUL LATHEEF

RESPONDENTS:/RESPONDENTS:

1. DEBT RECOVERY OFFICER,
DEBT RECOVERY TRIBUNAL,
PANAMPILLY NAGAR, ERNAKULAM,.
2. GENERAL MANAGER,
SOUTH INDIAN BANK, THRISSUR,.
3. MANAGER,
SOUTH INDIAN BANK,
MUVATTUPUZHA.

R2 AND R3 BY ADV. SRI.K. PRABHAKARAN, SC,
SOUTH INDIAN BANK

THIS WRIT APPEAL HAVING BEEN FINALLY HEARD
ON 23/05/2007, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

ORDER ON I.A. 162 OF 2007 IN W.A. No. 587 OF 2007

DISMISSED.

23.05.2007

SD/- H.L. DATTU, CHIEF JUSTICE.
SD/- K.T. SANKARAN, JUDGE.

/true copy/

P.A. TO JUDGE

H.L. DATTU, C.J. & K.T. SANKARAN, J.

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W.A. No. 587 OF 2007
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Dated this the 23rd May, 2007

J U D G M E N T

H.L. Dattu, C.J.:

This appeal is directed against the judgment of the learned single Judge in Writ Petition No. 6436 of 2007 dated 27.02.2007.

2. This court while entertaining the Writ Appeal had directed the appellant to deposit a sum of Rs. 10 lakhs.

3. When the matter was posted before the court on 12.04.2007, the court, after noticing that the appellant has not complied with the order and directions issued by this court on 08.03.2007, has permitted the respondents in the appeal to proceed with the recovery of the amount.

4. Learned counsel appearing for the appellant would submit that since the appellant has not deposited the amount as directed by this court, at least, an opportunity may be given to the appellant to approach the Debt Recovery Tribunal for appropriate reliefs.

Taking note of the submission of the counsel for the appellant that the appellant has not complied with the order and directions issued by this Court, in our opinion, we need not have entertained this appeal.

Accordingly, the appeal is disposed of. However, liberty is reserved to the appellant to approach the Debt Recovery Tribunal for appropriate reliefs. If and when the appellant approaches the Debt Recovery Tribunal, the Tribunal is directed to consider the request of the appellant in accordance with law and in accordance with the provisions of Recovery of Debts due to Banks and Financial Institutions Act.

**H.L. DATTU,
CHIEF JUSTICE.**

**K.T. SANKARAN,
JUDGE.**